

Wolf Wallenstein, PC
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Ellen K. Wolf
Attorneys for Claimant
Shaghal, Ltd.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

SEARS HOLDINGS CORPORATION, et al.,

Chapter 11

Debtor.

Case No. 18-23538 (RDD)

(Jointly Administered)

**SUPPLEMENT TO THE MAY 20, 2021 MOTION FOR WITHDRAWAL AS
ATTORNEY OF RECORD**

TO THE HONORABLE COURT:

Ellen K. Wolf and the law firm of Wolf Wallenstein, PC filed a Motion For Withdrawal As Attorney of Record on May 20, 2021. The undersigned counsel moved for an order permitting the undersigned counsel to withdraw her appearance as counsel of record for SHAGHAL, LTD in the above captioned bankruptcy cases pursuant to Rule 2090-1(e) of the Local Bankruptcy Rules for the Southern District of New York. Upon the discovery of new information, the undersigned counsel requests the Court to consider the following:

1. On July 1, 2021, Kaplan, Kenegos & Kadin represented to Wolf Wallenstein, PC that it was not retained by Shaghal, Ltd. and that it had no intention of representing the company in this

proceeding.

2. Despite the fact that Shaghal, Ltd. has not retained alternative counsel, the Court should grant the May 20, 2021 Motion to Withdraw as Attorney of Record. The relationship between Wolf Wallenstein, PC and Shaghal, Ltd. has deteriorated to such a point that continued representation would be inappropriate as effective representation has become unreasonably difficult to carry out. *See Lake v. M.P.C. Trucking Inc.*, 718 N.Y.S.2d 903, 279 A.D.2d 813 (3d Dep't 2001) ("Good and sufficient cause has been found to exist when there are irreconcilable differences between the attorney and the client with respect to the proper course to be pursued in the litigation"). Shaghal, Ltd.'s unwillingness to communicate further frustrates Wolf Wallenstein, PC's efforts to provide effective representation. *See Valente v. Seiden*, 244 A.D.2d 799, 666 N.Y.S.2d 517 (3d Dep't 1997) (client's unwillingness to communicate with her attorney makes it "unreasonably difficult, if not impossible, for attorney to carry out employment effectively).
3. Shaghal, Ltd. does not oppose Wolf Wallenstein, PC's motion for withdrawal.
4. Shaghal, Ltd. has failed to pay Wolf Wallenstein, PC considerable fees. The non-payment of counsel fees coupled with a client's refusal to cooperate or where the client has rendered it unreasonably difficult for the firm to carry out its responsibilities is sufficient basis to grant an attorney's request to withdraw. *Kiernan v. Kiernan*, 233 A.D.2d 867, 868, 649 N.Y.S.2d 612, 613 (4th Dep't 1996).

WHEREFORE, the undersigned counsel pray the Court enter an order, substantially in the form attached as Exhibit 1 in the May 20, 2021 Motion to Withdraw as Attorney of Record, granting her withdrawal as

attorney of record for Shaghal, Ltd. in the captioned case.

DATED: July 14, 2021

Los Angeles, CA

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By: /s/ Ellen K. Wolf
Ellen Kaufman Wolf

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**NOTICE OF HEARING ON THE
MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD**

1. On May 20, 2021, Wolf Wallenstein, PC filed a Motion For Withdrawal Of Attorney Of Record to withdraw as counsel of record for Shaghal, Ltd.
2. A hearing on the Motion For Withdrawal Of Attorney Of Record, and any objections thereto, will be held before the Honorable Judge Robert D. Drain of the United States Bankruptcy Court, Southern District Of New York White Plains, 300 Quarropas Street, White Plains, NY 10601.

3. The hearing will be held via Zoom on August 24, 2021 at 10:00a.m.

DATED: July 14, 2021

Los Angeles, CA

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By: /s/ Ellen K. Wolf
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